GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1466
ANSWERED ON:26.07.2016
Custodial Deaths
Deo Shri Arka Keshari

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there has been a sharp increase in the incidents of custodial deaths and torture in police custody in the country;

(b) if so, the details thereof and the total number of such cases, reported, separately and guilty personnel arrested, convicted and the action taken against them during each of the last three years and the current year, State-wise;

(c) whether the Union Government has issued directives to the State Governments and Police Departments in this regard; and

(d) if so, the details thereof and there action of the State Governments and Police Departments in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJIJU)

(a): Based on the information received from National Human Rights Commission (NHRC), the details of reported incidents of custodial deaths and torture are as under;

S. No.	Item	2013-14	2014-15	2015-16	2016-17 (upto 30-6-2016)
(a)	Death in Police Custody	140	130	153	47
(b)	Torture in Police Custody	303	431	493	131

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(b) : A statement indicating state-wise details of death in police custody, torture in police custody and custodial deaths & torture in police custody where NHRC recommended monetary relief, disciplinary action and prosecution during the last three years and current year (upto 30-06-2016) are given at Annexure I, II and III respectively.

The National Human Rights Commission does not maintain any separate record of public servant arrested or convicted.

(c) & (d): 'Police' and 'Public Order' are State subjects under the Seventh Schedule of the Constitution and it is primarily the responsibility of the State/UT Government to appropriately prevent and ensure non-occurrence of police atrocities. However, the NHRC also issues guidelines/instructions from time to time to all the Chief Secretaries of the States/UTs to give suitable directions to District Magistrates and Superintendents of Police of every districts that every death in the custody, police or judicial, natural or otherwise, is to be reported to the Commission, within 24 hours of its occurrence. NHRC calls for reports including inquest, post-mortem, magisterial enquiry, chemical examination/ forensic reports for ascertaining foul play, if any, in relation to the death in custody. The Commission had issued revised -

-3/-

instructions dated 3rd January, 2001 to all Home Secretaries for sending following information::-

(i) The post-mortem report, in new Performa circulated by NHRC in March 1997, along with the video graph and the Magisterial Enquiry report must be sent within 2 months of the incident.

(ii) The post mortem report and other documents should be sent to the Commission without waiting for the viscera report. The viscera report should be sent subsequently as soon as it is received.

Apart from recommendations made in any individual case, the Commission makes efforts to sensitize public servants for better protection of Human Rights during various workshops and seminars.

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